

1 THE HONORABLE MARSHA J. PECHMAN
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UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

9 EMMA ALVARADO, individually and on
behalf of all others similarly situated,

10 Plaintiff,

11 v.

12 MICROSOFT CORPORATION, a
13 Washington corporation; and DOES 1 through
100, inclusive,

14 Defendants.

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16 NO. C09-189 MJP

STIPULATION AND ORDER RE
FILING OF SECOND AMENDED
COMPLAINT AND BRIEFING
SCHEDULE ON MOTION TO DISMISS

17 Plaintiff Emma Alvarado (“Plaintiff”), by and through her counsel, and Defendant
18 Microsoft Corporation (“Defendant”), by and through its counsel, submit the following
19 Stipulation and [Proposed] Order re Filing of Second Amended Complaint and Briefing
20 Schedule on Motion to Dismiss.

21 **I. STIPULATION**

22 WHEREAS, in response to the motion to dismiss filed by Defendant as to Plaintiff’s
23 First Amended Complaint, Plaintiff proposes to file the Second Amended Complaint attached
24 hereto as Exhibit A;

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STIPULATION AND ORDER RE FILING OF SECOND
AMENDED COMPLAINT AND BRIEFING SCHEDULE
ON MOTION TO DISMISS - 1
CASE NO. C09-0189 MJP

TERRELL MARSHALL & DAUDT PLLC
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1 WHEREAS, Defendant does not oppose the filing of the Second Amended Complaint
 2 provided that the filing is without prejudice to Defendant's right to file a motion to dismiss the
 3 Second Amended Complaint, and Plaintiff has so agreed; and

4 WHEREAS, in light of the foregoing, Defendant agrees that, upon the filing of the
 5 Second Amended Complaint, Defendant's pending motion to dismiss the First Amended
 6 Complaint shall be deemed withdrawn,

7 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY THE
 8 PARTIES, THROUGH THEIR UNDERSIGNED COUNSEL OF RECORD, AS FOLLOWS:

- 9 1. Plaintiff shall be granted leave to file the Second Amended Complaint;
- 10 2. The filing of the Second Amended Complaint shall be without prejudice to
 11 Defendant's right to file a motion to dismiss the Second Amended Complaint;
- 12 3. Upon the filing of the Second Amended Complaint, Defendant's pending
 13 motion to dismiss the First Amended Complaint shall be deemed withdrawn; and
- 14 4. The following briefing schedule shall apply to any motion to dismiss that is filed
 15 by Defendant as to the Second Amended Complaint:

EVENT	DATE
Defendant Files Motion to Dismiss	November 19, 2009
Plaintiff Files Opposition to Defendant's Motion to Dismiss	December 4, 2009
Defendant Files Reply Brief in Support of Motion to Dismiss/Motion to Dismiss Noted for Consideration	December 11, 2009

RESPECTFULLY SUBMITTED AND DATED this 3rd day of November, 2009.

TERRELL MARSHALL & DAUDT PLLC

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II. ORDER

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3 Based on the foregoing stipulation of the parties and good cause appearing, therefore,

4 IT IS HEREBY ORDERED AS FOLLOWS:

5 1. Plaintiff is granted leave to file the Second Amended Complaint;

6 2. The filing of the Second Amended Complaint shall be without prejudice to

7 Defendant's right to file a motion to dismiss the Second Amended Complaint;

8 3. Upon the filing of the Second Amended Complaint, Defendant's pending

9 motion to dismiss the First Amended Complaint shall be deemed withdrawn; and

10 4. The following briefing schedule shall apply to any motion to dismiss filed by

11 Defendant in response to the Second Amended Complaint:

EVENT	DATE
Defendant Files Motion to Dismiss	November 19, 2009
Plaintiff Files Opposition to Defendant's Motion to Dismiss	December 4, 2009
Defendant Files Reply Brief in Support of Motion to Dismiss/Motion to Dismiss Noted for Consideration	December 11, 2009

17 Dated this 4th day of November, 2009.

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21 Marsha J. Pechman
 22 United States District Judge

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STIPULATION AND ORDER RE FILING OF SECOND
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CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby declare that on November 3, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorneys for Defendants

DATED this 3rd day of November, 2009.

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